

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Advanced Television Systems)	MB Docket 87-268
And Their Impact upon the)	
Existing Television Broadcast)	
Service)	

TO: Office of The Secretary

COMMENTS OF MARYLAND PUBLIC TELEVISION

Maryland Public Broadcasting Commission d/b/a Maryland Public Television (MPT), through its attorneys and pursuant to Section 1.415 of the rules, hereby files its Comments in response to the Commission's Eighth Further Notice of Proposed Rule Making ("Further Notice") in the above-referenced proceeding proposing a new DTV Table of Allotments (DTV Table).

1. MPT is the licensee of public television stations serving the State of Maryland, including Station WMPT-TV, Annapolis, Maryland. WMPT currently operates on both its analog Channel 22 and its DTV channel 42, and has elected to remain on channel 42 following the DTV transition.

2. In the Further Notice, the Commission has asked for comments, inter alia, on a proposal by Fox Television Stations of Philadelphia, Inc. ("Fox Philadelphia") for a change in the parameters described in the Seventh Further Notice of Proposed Rulemaking, Appendix B for its Station WTXF, Philadelphia, Pennsylvania. Fox did not timely file the comments for consideration in the Seventh Report and Order, and no

reason was given for the late filing.¹ Fox stated that “no other party will be harmed” by the requested change in Appendix B parameters for Station WTXF-DT (“Request, p. 2). However, as the Commission itself acknowledges, the requested parameters would cause interference of 1.31 percent to Station WMPT (Further Notice, para. 142). According to MPT’s own engineering assessment, the predicted increase in interference would be 1.32 percent.

3. As stated in the attached “Engineering Statement” of Meintel, Sgrignoli & Wallace (MSW), Fox Philadelphia filed a Form 381 Pre-Election Certification that it would operate post-transition on its replication facilities. Fox Philadelphia’s attempt to seek permanent DTV status of a later-granted modification application for Station WTXF-DT comes too late, and unfairly increases its protected coverage area beyond that which was certified as demonstrated by the Plot attached to the Engineering Statement. As noted by MSW:

...one purpose of the certification process was so that there would be a solid basis on which all stations could make an intelligent decision regarding their post transition channel election. Allowing deviations from the original certifications that are not necessary to resolve interference problems is unfair to other stations that made a good faith certification and subsequent election relying on the certifications made by other stations.

¹ “Request for Leave to File Late-filed Comments in Response to Seventh Further Notice of Proposed Rulemaking” of Fox Television Stations of Philadelphia, Inc., June 19, 2007. The comment date was January 24, 2007.

This is true for MPT, who timely and correctly filed its certification and election for Station WMPT. Fox Philadelphia's proposal at this late date to create new permanent interference to 1.32 percent of the population served by Station WMPT is manifestly unfair and contrary to the public interest.

4. Accordingly, MPT asks that the Commission not adopt the proposal of the Further Notice and maintain the existing DTV Table parameters for Station WTXF-DT.

Respectfully submitted,

MARYLAND PUBLIC BROADCASTING
COMMISSION

By: 
Steven C. Schaffer

SCHWARTZ, WOODS & MILLER
Suite 610, The Lion Building
1233 20th Street, NW
Washington, DC 20036
202-833-1700
202-833-2351/FAX

Its Attorneys

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**Engineering Statement
Post DTV Transition Allotment Conflict
WMPT DTV Channel 42 Annapolis, MD
WTFX DTV Channel 42 Philadelphia, PA
October 9, 2007**

WMPT Annapolis, MD (DTV Channel 42, analog channel 22) has elected to remain on its current DTV channel 42 for post transition DTV operation and that election has been approved by the Federal Communications Commission (FCC). Likewise WTFX Philadelphia, PA (DTV Channel 42, analog channel 29) has also elected to remain on its current DTV channel 42 for post transition DTV operation and that election has been approved by the Federal Communications Commission (FCC).

In its FCC form 381 PRE-ELECTION CERTIFICATION WTFX indicated that it would operate its post-transition DTV station based on its allotted **replication facilities**.

Subsequently on FCC form 382 WTFX elected its currently assigned DTV channel 42 for its post transition operation. Therefore, the allotted facility for WTFX listed in Appendix B of the FCC Report and Order of August 6, 2007 reflects their form 381 and 382 certification and election. In certifying **replication facilities** on the form 381 WTFX indicated that it desired to use the facility in its original DTV allotment and that is the facility listed in Appendix B.

However, WTFX has been granted a construction permit (BPCDT-20020424AAZ) for a different DTV facility also on channel 42. WTFX has now requested that the FCC modify



the WTXF facility parameters contained in Appendix B to conform to the parameters contained in this construction permit and that facility has been listed by the FCC in Appendix G of the FCC 8th Further Notice of Proposed Rule Making.

An analysis of the impact of the proposed WTXF facility listed in Appendix G on WMPT indicates that it would increase the population predicted to receive interference by 88,820 people. This is 1.32% of the predicted service for WMPT as based on the Appendix B facilities.

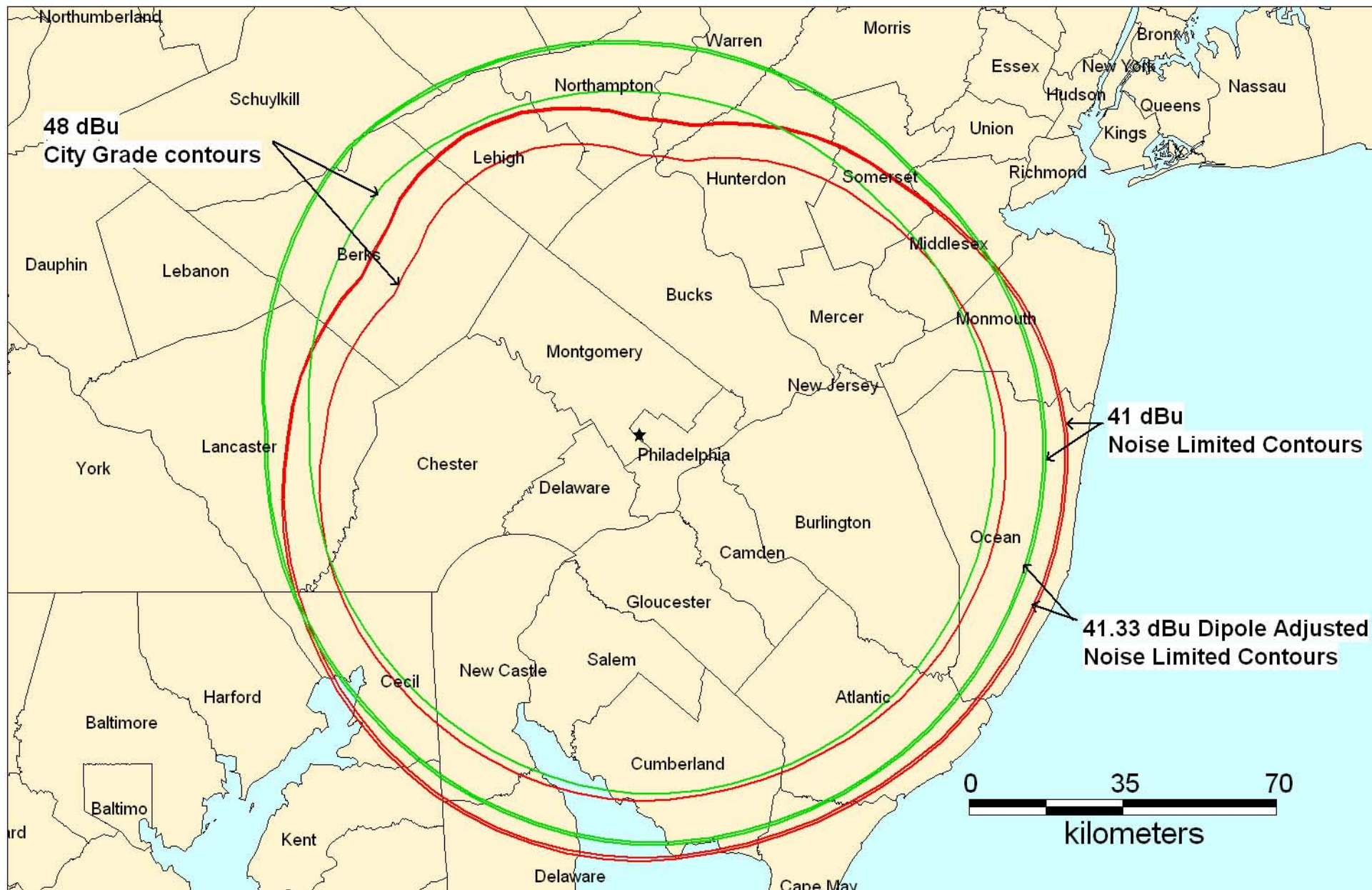
In addition, the WTXF facility proposed in Appendix G would cause the WTXF predicted service contour to exceed the service contour based on the WTXF certified facility as shown in the attached plot. It is also noted that the contour excursions are in the direction of WMPT and of course this is the reason for the increase in interference. It is further pointed out that the facility originally certified by WTXF exactly replicates the service contour of its current analog facility.



In conclusion it is noted that, one purpose of the certification process was so that there would be a solid basis on which all stations could make an intelligent decision regarding their post transition channel election. Allowing deviations from the original certifications that are not necessary to resolve interference problems is unfair to other stations that made a good faith certification and subsequent election relying on the certifications made by other stations.

The above was prepared by:

William R. Meintel
Partner, Meintel, Sgrignoli & Wallace



WTXF DTV Channel 42 Philadelphia, PA

The contours shown in green are the WTXF certified facility as listed in Appendix B
 The contours shown in red are the WTXF facility proposed in Appendix G